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Government of Kerala
കേരള സർക്കാർ
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KERALA GAZETTE

കേരള ശസ്ത്ര

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PART III

Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D7-24242/2009.

5th October 2012.

In exercise of the powers conferred by section 39 of the Gram Nyayalayas Act, 2008 (Central Act No. 4 of 2009), the High Court of Kerala hereby makes the following rules :—

CHAPTER-1

PRELIMINARY

1. *Short title and commencement.*—(1) These rules may be called the Kerala Gram Nyayalayas (Procedure and Practice) Rules, 2012.

(2) They shall come into force at once.

2. *Definitions:*—In these rules, unless the context otherwise requires:—

(a) “Act” means the Gram Nyayalayas Act, 2008 (Central Act No. 4 of 2009);

- (b) “Code” means the Code of Criminal Procedure, 1973 or the Code of Civil Procedure, 1908 as the case may be;
- (c) “Conciliator” means the Conciliator appointed under section 27 of the Act;
- (d) “Block Panchayath” means a “Block Panchayath” as defined in section 2 (ii) of the Kerala Panchayat Raj Act, 1994;
- (e) “Government” means the Government of Kerala;
- (f) “High Court” means the High Court of Kerala;
- (g) “Proceedings” shall include pleadings, petitions, complaints and applications;
- (2) Words and expressions used, but not defined herein and defined in the Gram Nyayalayas Act, 2008, the Code of Civil Procedure, 1908 or the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them in those Acts.

CHAPTER-II

OFFICE HOURS AND LANGUAGE OF PROCEEDINGS

3. *Office hours of Gram Nyayalaya.*—The office of Gram Nyayalaya shall be open on all working days from 10 a. m. to 5 p. m. or during such other hours as may be notified by the High Court from time to time.

4. *Sitting hours of Gram Nyayalaya.*—The Gram Nyayalaya shall ordinarily hold sittings from 11 a. m. to 5 p. m. with a lunch break not exceeding one hour between 12.30 p. m. and 2 p. m.

5. *Language of the proceedings.*—All proceedings before the Gram Nyayalaya shall be in Malayalam.

CHAPTER-III

PROCEDURE IN RESPECT OF CIVIL CASES

6. *Amount of Court fee payable in respect of plaint or original petition.*—(1) A fixed Court Fee of Rupees seventy five only shall be payable on every plaint or original petition.

(2) The fee payable on vakalath and Interlocutory Application shall be as may be prescribed in the Kerala Court Fees and Suits Valuation Act, 1959 for such matters presented in the Munsiff's Court.

7. *Presentation of proceedings and documents.*—(1) All proceedings, documents and other papers required to be filed before the Gram Nyayalaya shall be presented or filed before the Chief Ministerial Officer or any other officer of the Gram Nyayalaya specifically authorised in that behalf, by delivery of the same by the party personally or by his pleader or the registered clerk on any working day during the office hours before 3 p. m., or if the Presiding Officer so directs, even after 3 p. m. and immediately on receipt thereof, the officer shall put his dated initials thereon and if a proceeding is thereby instituted, assign a serial number.

(2) No document or proceedings required to be presented or filed in the Gram Nyayalaya shall be received by post, telegram or phonogram:

Provided that in cases where an Official Receiver or an Officer appointed by any Court does not intend to defend or contest any proceeding before a Gram Nyayalaya in which he is impleaded in such capacity as a party or wishes to bring a formal defect in the proceeding to the notice of the Gram Nyayalaya, he may inform the Gram Nyayalaya accordingly by a statement in writing in the form appropriate to the proceeding, and sent it to the Gram Nyayalaya by post or through personal messenger.

8. *Particulars to be contained in the plaint and Original Petitions.*—(1) The plaints and the Original Petitions shall contain the following particulars, namely:—

(i) the name of the Gram Nyayalaya in which the suit is filed;

- (ii) the name, description and place of residence of the plaintiff/petitioner;
- (iii) the name, description and place of residence of the defendant/respondent, so far as they can be ascertained;
- (iv) where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect, and, in case of a minor, a statement regarding his age to the best of the knowledge and belief of the person verifying the plaint;
- (v) the facts constituting the cause of action and when it arose;
- (vi) the facts to satisfy that the Gram Nyayalaya has jurisdiction;
- (vii) the relief which the plaintiff/petitioner claims;
- (viii) where the plaintiff/petitioner has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and
- (ix) a statement of the value of the subject-matter of the suit for the purposes of jurisdiction and of court-fees, so far as the case admits:

Provided that the Gram Nyayalaya may waive any of the foregoing stipulations at its discretion.

(2) Where the plaintiff or the defendant is a minor or a person of unsound mind, the provisions of Order XXXII of the Code of Civil Procedure, 1908 shall apply to the extent applicable.

9. *Appearance of parties.*—A party to a proceeding before the Gram Nyayalaya may appear in person or through his pleader duly authorised.

10. *Registration of plaint, petitions etc.*—The details of all proceedings shall be registered in Register No. 1 prescribed in Appendix-II of the Kerala Civil Rules of Practice.

11. *Summons to defendants/respondent how served.*—(1) When a plaint/petition, as the case may be, has been duly presented, the Gram Nyayalaya shall cause the same to be registered, and shall, by summons in writing, require the defendant to appear and answer the claim on a specified day.

(2) The summons shall be served on the defendant personally or by registered post acknowledgement due.

(3) In case the summons is served on the defendant personally, his signature shall be taken on the summons by the person serving the same and a copy thereof delivered to him; and in the case of postal service, an acknowledgement purporting to be signed by the defendant shall be deemed to be proof of service of such summons.

12. *Mode of service when defendant/respondent evades service.*—If the Gram Nyayalaya is satisfied that the defendant/respondent is evading service of the summons, or has refused to affix his signature on the summons, or for any other sufficient reason the summons cannot be served in the manner provided for rule 11 of these Rules, the Gram Nyayalaya may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant/respondent, residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides.

13. *Mode of service when defendant/respondent is beyond the local jurisdiction of Gram Nyayalaya.*—When the defendant/respondent is beyond the local jurisdiction of Gram Nyayalaya, the summons shall be served through registered post with acknowledgement due and the return of the acknowledgement due shall be *prima facie* evidence of the facts stated therein.

14. *Appearance of parties and consequence of non-appearance.*—In matters of appearance and consequence of non-appearance of parties, *Order IX of the Code of Civil Procedure, 1908* shall apply.

CHAPTER—IV

REFERENCE TO CONCILIATOR

15. *Gram Nyayalaya to attempt amicable settlement and reference to Conciliator.*—(1) The Gram Nyayalaya shall initially endeavour to bring an amicable settlement between the parties.

(2) If it appears at any stage of the proceedings that the parties are likely to settle the matter amicably, the Gram Nyayalaya may adjourn the hearing to a later date and refer the matter to a Conciliator or Conciliators with a direction to submit a report as to the outcome of the conciliations within fifteen days of such reference.

(3) If the parties arrive at a settlement before the Conciliator relating to the suit, claim or dispute or any part thereof, such settlement shall be reduced to writing, signed by both the parties and countersigned by the Conciliator.

16. *Gram Nyayalaya to dispose of proceedings.*—(1) Upon submission of the report by the Conciliator/Conciliators, the Gram Nyayalaya shall take up the matter for hearing on a date fixed thereof and shall pronounce the judgement or order in terms thereof unless it considers the terms of the settlement are unconscionable or illegal.

(2) If, on the date fixed for hearing the parties or any one of them fail to appear, the Gram Nyayalaya shall proceed to dispose of the proceedings in one of the modes prescribed in that behalf under *Order IX of the Code of Civil Procedure, 1908* and pass such order as it deems fit.

(3) If the parties do not settle their dispute, or where the terms of settlement appear to be unconscionable or illegal, the Gram Nyayalaya shall proceed to hear and dispose of the matter on merits in accordance with law.

17. *Appointment and qualification of Conciliator.*—(1) Person to be appointed as Conciliator must have a Master's Degree in Social Work/Psychology/Sociology and shall be a person of integrity, aptitude and experience.

(2) Conciliator shall be appointed by the Government from a panel prepared by the District Judge in accordance with the provision in sub section 2 of section 27 of the Act and shall be deployed at the disposal of the Gram Nyayalaya in the district.

18. *Withdrawal of proceedings.*—The procedure prescribed under *Order XXIII Rule 1 of the Code of Civil Procedure, 1908* shall apply for the withdrawal of proceedings.

19. *Applicability of Code of Civil Procedure and Civil Rules of Practice.*—The provisions of Code of the Civil Procedure, 1908 and the Civil Rules of Practice, Kerala may be followed in respect of civil proceedings to the extent they are not inconsistent with the provisions of the Act and these rules.

CHAPTER—V

PROCEDURE IN RESPECT OF CRIMINAL CASES

20. *Initiation of Criminal Cases.*—(1) Initiation of criminal cases before the Gram Nyayalayas shall be either on a police report or on a complaint given orally or in writing by the complainant.

(2) If the complaint is given orally, the same shall be reduced to writing by the Nyayadikari, read over to the complainant and signed by the complainant.

21. *Procedure for trial.*—In trial under this Chapter, the procedure prescribed under Chapter XXI of the Code of Criminal Procedure, 1973 shall apply.

22. *Record in summary trial:*—Every Gram Nyayalaya shall maintain a Register as in Form No. 18 of Appendix II of the Criminal Rules of Practice, Kerala with regard to case tried summarily.

23. *Applicability of Code of Criminal Procedure and Criminal Rules of Practice.*—The provisions of the Code of Criminal Procedure, 1973 and the Criminal Rules of Practice, Kerala may be followed in respect of criminal proceedings, to the extent they are not inconsistent with the Act and these rules.

CHAPTER—VI

MISCELLANEOUS

24. *Seal of Gram Nyayalaya.*—Every Gram Nyayalaya shall have a seal containing the name of the Gram Nyayalaya.

25. *Inspection of Gram Nyayalaya.*—The Gram Nyayalayas in a Judicial District shall be inspected by the District Judge concerned in every six months or by an officer of the High Court specifically authorised in that behalf. They shall issue such directions as are necessary and shall submit a report to the High Court.

26. *Time within which the judgement and final order are to be delivered.*—The judgement and final orders in civil matters shall be delivered within fifteen days from the date of final hearing of the matter and in criminal matters within three days. If the Gram Nyayalaya fails to deliver its judgement/final order in any matter within the prescribed time limit, the reasons thereof shall be recorded. Apart from the instructions given in the Code, every judgement/final order shall contain,

- (a) the statutory period for appeal, if appeal lies; and
- (b) the name of the appellate forum.

27. *Forms.*—The forms prescribed in the Code, the Kerala Civil Rules of Practice and the Kerala Criminal Rules of Practice shall mutatis mutandis apply.

By order,

S. JAGADEES

Registrar (Subordinate Judiciary).

Explanatory Note

(This is not a part of the notification, but is intended to indicate its general purport).

The Gram Nyayalayas Act, 2008 has been enacted on 7th January 2009. Section 3 of the Act empowers the State Government to establish by notification one or more Gram Nyayalayas for every Panchayat at intermediate level or a group of contiguous Panchayats at intermediate level in a district or where there is no Panchayat at intermediate level in any State, for a group of contiguous Gram Panchayats, after consultation with the Highcourt. Under Section 39 of the Gram Nyayalaya Act the High Court is vested with the power to make Rules governing the procedure and practice in the Gram Nyayalaya. Hence this notification.

തൃശ്ശൂർ ജുഡിഷ്യൽ ഓനാം ക്ലാസ് മജിസ്ട്രേറ്റ് കോടതി—II

പരിസ്ഥി

നമ്പർ PL 60/03, PL 82/11 and PL 96/11.

2012 ഏക്കോബർ 1.

തൃശ്ശൂർ ജുഡിഷ്യൽ ഓനാം ക്ലാസ് മജിസ്ട്രേറ്റ് കോടതിയിൽ തീർപ്പുകൾപ്പിച്ചിട്ടുള്ളതായ കേസിലുശ്രദ്ധപ്പെട്ട താഴെകാണിച്ചിരിക്കുന്നുണ്ട്
വാഹനങ്ങൾ അതാരിൽ അവകാശികൾ ഈ പരസ്യ തീയതി മുതൽ മുന്നുമാസത്തിനകം ഈ കോടതിയിൽ ഹാജരായി മുതൽ
കൈപ്പുറിയില്ലെങ്കിൽ ടി മുതലുകൾ സർക്കാർ വജനാവിലേക്ക് പരസ്യമായി ലേലം ചെയ്ത് മുതൽ കുടുന്നതായിരിക്കുമെന്ന് ഇതിനാൽ
അറിയിച്ചുകൊള്ളുന്നു.

ക്രമ നമ്പർ	തൊണ്ടിമുതൽ നമ്പർ	ക്ലാസ് നമ്പർ	ബില്കു നമ്പർ	തൊണ്ടിമുതലിൽ വിവരം
1	P1 82/11	ST 1441/11	CR. 177/11	KL 08 L 7636 എന നമ്പർ ഓടുപുഴ എഴുതിയ ബജാജ് കമ്പനി പോലീസ് സ്റ്റോഷൻ
2	P1 96/11	ST 1910/11	CR. 204/11	KL 08 H 6316 എന നമ്പർ ഓടുപുഴ എഴുതിയ ബജാജ് കമ്പനി പോലീസ് സ്റ്റോഷൻ

(ഒപ്പ്)

ജുഡിഷ്യൽ ഓനാം ക്ലാസ് മജിസ്ട്രേറ്റ്-II.

ലേലപരിസ്ഥി

നമ്പർ പി1-60/2003.

2012 ഏക്കോബർ 1.

തൃശ്ശൂർ ജുഡിഷ്യൽ ഓനാം ക്ലാസ് മജിസ്ട്രേറ്റ് നമ്പർ-2
കോടതിയിലെ ST 1466/03 (തൃശ്ശൂർ വെസ്റ്റ് പോലീസ് സ്റ്റോഷൻ
കെട്ടം നമ്പർ 73/03) കേസിൽ ഉൾപ്പെട്ടതും P1 60/03
നമ്പരായി ഈ കോടതി സീകർച്ചിട്ടുള്ളതുമായ KRH 7338
TVS മോസ്റ്റ് മോട്ടോർ സൈക്കിൾ അവകാശികൾ കൈപ്പറ്റാ
ത്തെക്കാണ്ട് 20-11-2012-ാം തീയതി തികളാംച്ച പകൽ 10.30
മണിക്ക് ഈ കോടതി പരിസരത്തുവെച്ച് പരസ്യമായി ലേലം

ചെയ്യുന്നതായിരിക്കും. ടി വാഹനം തൃശ്ശൂർ വെസ്റ്റ് പോലീസ്
സ്റ്റോഷൻ കോമ്പനി സൂക്ഷിച്ചു വരുന്നു. ആയത്
പരിശോധിക്കുന്നതു വരെ ടി സ്റ്റോഷൻ ഹൗസ്
ഓഫീസറുടെ അനുമതിയോടുകൂടി പരിശോധിക്കാവുന്നതാണ്.
ലേലത്തെ സംബന്ധിച്ചുള്ള നടപടികൾ മജിസ്ട്രേറ്റിൽ
തീരുമാനത്തിന് വിധേയമായിരിക്കും.

(ഒപ്പ്)

ഓനാം ക്ലാസ് ജുഡിഷ്യൽ മജിസ്ട്രേറ്റ്
നമ്പർ-II.

തൃശ്ശൂർ.